REMARKS

Prior to commencing the responses to the various rejections in this application, it should be appreciated that there is an apparent error noted on the first page of the Office Action which indicates that only Claims 14, 15, 22-25, 34, 51, 54 and 65 are pending in this application. However, the Claims pending are apparently 1-4, 15, 22-25, 34, 51, 54 and 64. The error is believed to be that when the rejection indicates Claim 14, the correct indication should have been Claims 1-4 and the following remarks are directed to that understanding.

Reconsideration is respectfully requested for Claims 1-4, 15, 22-25, 34, 51, 54 and 64, as amended, said claims having been variously rejected as follows:

Claims 1-4, 15, 22-25, 34, 51, 54 and 64 have been rejected under 35 USC 101. This rejection is respectfully traversed.

The Examiner alleges, in substance, that claims 1, 22, 51 and 64, the only independent claims presently in this application, call for nothing more than a manipulation of data which produces no concrete, useful, or tangible result.

Looking first at claim 1, as amended, the claim calls for a method which obtains and stores the estimated data in the process, (purely physical step), receives and stores the actual data in the process from the seller via a communication network (a physical step), electronically compares the actual data to the estimated data to determine any discrepancy between the stored actual data and the stored estimated data (a physical step) and electronically notifies the seller of any discrepancy, whereupon notice of the discrepancy the seller can account for any discrepancy, i.e., reconciling the difference. This could not be a more concrete, useful, or tangible result. These steps having nothing to do with the mere manipulation of data. They involve physical steps which result in the seller being able to account for a discrepancy. These steps do not involve the mere manipulation of data.

In a similar vein, the last four (4) lines of claim 22 call for the processor to

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electronically compare the actual data to the estimated data to determine any discrepancy between the actual data and the estimated data, and for the processor to notify the buyer via the first interface of the discrepancy. These are actual physical steps. These steps do not involve the mere manipulation of data.

In a similar vein, claim 51 calls for a method of receiving at least a first response at the work flow system via a communication network; receiving the at least one second response at the work flow system; electronically comparing the at least one first response to the at least one second response and finally, presenting the electronic comparison to the buyer through an interface via the communication network. With all due respect, these are physical steps, and do not merely involve a mere manipulation of data.

In a similar vein, claim 64 calls for buyer interface; a seller interface for receiving a first response and a second response; a memory for storing a first response and second response and a processor connected to the buyer interface, and the seller interface, and a memory, in which the processor electronically compares the at least one first response to the second response and the processor presents the comparison to the buyer via the buyer interface. These are physical steps, they are not merely a manipulation of data.

Accordingly , claims 1-4, 15, 22-25, 34, 51, 54, and 64, are believed to be fully compliant with the requirements of 35 USC 101.

Claim 1 has been rejected under 35 USC 102(a) as being anticipated by "Prima vera" and PurchasePro.com, published by Business Wire on September 21, 1999. The Examiner alleges, in substance, that this paper obtains estimated data from any source, that it receives the actual data from the seller via a communication network, it compares the actual data to the estimated data to determine any discrepancy between the actual data and the estimated data and notifies the seller of any discrepancy, whereupon notice of discrepancy the seller can account for any discrepancy. Moreover, the Examiner alleges that this reference discloses

obtaining the estimated data from different manufactures for a construction project. In furtherance of this allegation, the Examiner quotes from page 1 and page 2, line 15, from page 2, lines 22-27, and from page 2, lines 28-35. This rejection of claim 1 is respectfully traversed.

Although there is no question that the "Prima vera" reference discusses , much as a person might prepare a "wish list" for Christmas, the gathering of information such as purchasing procurement data, orders, inside delivery, a material inspection date, and various project administration and project management contact details. However, there is no teaching or even a suggestion in this paper of obtaining and storing estimated data, receiving and storing the actual data, comparing the actual data to the estimated data and notifying the seller of any discrepancy between the actual data and the estimated data, allowing the seller to account for any discrepancy.

A major portion of the reference document relates to competitive bidding on products. This aspect is explored in the third full paragraph on page 2 in the document. The nature of competitive bidding involves the ability of the buyer to compare prices, goods and services, delivery times, etc. This paper does not address the activities of the successful bidder and supplying the goods and services to the buyer, or the comparison of the estimated data to the actual data, or the ability to reconcile the compared difference, i. e. the discrepancy.

The remainder of the third page of the "Prima vera" reference provides nothing of relevance to the present invention. It never once mentions this type of obtaining/estimating data, or this type of receiving the actual data by the communication network, or comparing the actual data to the estimated data to determine any discrepancies, or to notify the seller of the discrepancy so the seller can account for any discrepancy.

The Examiner concludes the rejection under 35 USC 102 based upon the statement that it is considered inherit to notify the seller of any discrepancy and for the discrepancy to be

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accounted for by the seller. This feature is not inherent, because to be inherent it must be suggested somewhere in this reference that one takes the estimated data and compares it with the actual data and then makes an electronic comparison of the estimated data with the actual data and allows the seller to account for the discrepancy. This is nowhere taught or even suggested in this reference. It is therefore respectfully requested that the rejection of claim 1 based upon this reference under 35 USC 102 be withdrawn.

Claims 22-25, 34, 51, 54, and 64 have been rejected under 35 USC 103 based upon US Patent No. 5,826,244 to Huberman (the '244 patent) in view of US Patent No. 4,903,201 to Wagner (the '201 patent). This rejection is respectfully traversed.

Moreover, all of these references, taken alone or in combination, provide nothing more then an exchange of multiple paperwork. There is NO teaching, disclosure or even any suggestion of electronic reconciliation of estimated and actual data relating to work projects. The Huberman '244 reference is non-analogous art, and relates merely to a system for conducting an auction of document services. In short, it involves only the negotiation of the purchase prior to be paid for the document services. The Abstract defines a bidding process which is used to determine which of the bidders receives the job to be done. The Huberman '244 reference is silent as to any steps of storing estimating data, storing actual data, comparing the estimated data with the actual data, and notifying the buyer of any discrepancy.

U.S. Patent No. 4,903,201 to Wagner (the '201 patent) also involves non-analygous art. Wagner is directed solely to a process used with the sales of future commodity contracts, and the matching of "buy" orders with "sell" orders, all as is described in the Field of the Invention, first full paragraph. It does not relate at all to the steps of storing estimated data, storing actual data, comparing the estimated data with the actual data, and notifying the buyer of any discrepancy.

Thus, the Huberman '244 patent and the Wagner '201 patent, either taken alone or in

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combination, fail to disclose, teach, or even suggest the steps spelled out in claims 22-25, 34, 51, and 64.

The undersigned Attorney for the Applicant would appreciate a personal interview with the Examiner, at the earliest opportunity. Towards this end, this Response has also been faxed to the Examiner.

Respectfully submitted,

Date

William E. Johnson, Jr.
THE MATTHEWS FIRM (Customer #021897)
Reg. No. 22,719
2000 Bering Drive, Suite 700
Houston, Texas 77057
(713) 355-4200 Telephone
(713) 355-9689 Facsimile